

BEST PRACTICES REVIEW

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acting Mayor of Providence, Rhode Island, has signed an ordinance creating a civilian review board to investigate allegations of police misconduct. The board will examine civilian complaints and make recommendations on punishment to the police department’s Chief. Providence’s Mayor-elect said that the board will provide meaningful community oversight concerning police misconduct and that problem officers will be identified by the system. Board members will be chosen by the Mayor, City Council members and the Executive Director of the Providence Human Relations Commission. *Providence Journal*, November 12, 2002.

Civilian Oversight

Cincinnati’s new Citizen Complaint Authority (“CCA”), which replaces the Citizens Police Review Panel and Office of Municipal Investigation, has been sworn into office. It will hear complaints of police misconduct, identify trends and make recommendations to the City Manager. The CCA’s seven board members, who were appointed by the Mayor, will be supported by an executive director, selected by the City Manager, and a staff of full-time investigators. *Cincinnati Enquirer*, November 14, 2002.

After two years of controversy sparked by the shooting of an off-duty African American officer by fellow officers, the

The Independent Police Review Division (“IPR”) of the Office of the City Auditor of Portland, Oregon, has released its third quarter report. The report describes the implementation of a complaint mediation program, the initiation of a review of officer-involved shootings by the Police Assessment Resource Center, the holding of public forums by the IPR and Citizen Review Committee, and the commencement of a review by the IPR of the Portland Police Bureau’s early warning system. The report provides a statistical breakdown of the complaint workload and an assessment of the timeliness with which complaints were processed. The full report is available on-line at www.ci.portland.or.us/auditor/ipr/reports/quarterly/3rd_quarter_2002.pdf.

Community Policing/Problem Oriented Policing

In "Citizen Police Academies: Do They Just Entertain," Elizabeth M. Bonello and Joseph A. Schafer examine the utility of citizen police academies ("CPAs"). They noted that, despite the widespread adoption of CPAs by American police departments, little research has been conducted to establish whether they are an effective community policing program. In evaluating Lansing, Michigan's CPA, the study concluded that the program increased participants' knowledge of crime and safety issues, modestly increased voluntary involvement with the department, modified participants' perceptions of media reporting of police matters, left participants with a positive view of the department and prompted most of them to share their experiences with other community members. The authors asserted that CPAs can provide an effective means of improving police-community relations, and suggest that programs be targeted at groups with whom departments have a history of misunderstanding and conflict. The full report is available on-line at www.fbi.gov/publications/leb/2002/nov02leb.pdf. *FBI Law Enforcement Bulletin*, November 2002, Volume 71, Issue 11.

The Seattle Police Department will include a civilian volunteer on the board that interviews potential police recruits. Chief Gil Kerlikowske stated that the inclusion of a civilian on the board is one way to give the community a sense of ownership of the department's hiring process. *Seattle Post-Intelligencer*, November 16, 2002.

Consent Decrees/Memoranda of Understanding

The Report of the Independent Monitor for the Los Angeles Police Department ("LAPD") for the third quarter has been issued. The report identifies a number of concerns about compliance with the consent decree, including "serious deficiencies" in the operation, supervision and oversight of gang units; inadequate training, particularly in relation to misconduct reporting and retaliation; non-compliance with the decree's requirements concerning search and arrest procedures; understaffing of the department's audit functions and a failure to make sufficient progress in designing a computerized early warning system. Positive developments included improved planning, execution and reporting of audits; thorough categorical use of force investigations; compliance with a variety of consent decree provisions by the Police Commission and Inspector General; and the tackling of previously-highlighted problems relating to complaint processing. The report concluded by stating that although the LAPD continues to be non-compliant in a number of respects, the monitor believes that a commitment to compliance exists and that compliance can be achieved with "proper management." The full report is available on-line at www.krollworldwide.com/lapd/lapd_report_11152002.pdf.

The Office of the Independent Monitor of the Metropolitan Police Department ("MPD") has released its second quarterly report. After discussing the revision of several of the deadlines stipulated in the original Memorandum

of Agreement (“MOA”), the report found that the District of Columbia and the MPD are no longer out of compliance with most of the deadlines set by the MOA, and that the progress that has been made towards full compliance is due to more than just revision of the pertinent deadlines. Exemplifying that progress was the Department of Justice’s approval of seven general orders relating to the use of force. On the other hand, a notable area of non-compliance was the failure of the MPD to comply with the MOA requirement to develop and implement a “computer database that will facilitate the management and supervision of MPD personnel.” Unlike most of the deadlines that were renegotiated, the parties could not agree upon a revised schedule for the implementation of the computer system. The full report is available on-line at www.policemonitor.org/0201101.pdf.

Alan Kalmanoff, the Berkeley law professor appointed to monitor reform in the Cincinnati Police Department, resigned just four weeks into his five-year term. Kalmanoff was to have overseen the implementation of two settlements – one originating from a lawsuit filed by black activists alleging racially-disparate practices, the second from a Department of Justice investigation – but soon came under fire from Cincinnati’s Mayor, who accused him of acting “beyond the scope of his duties.” Shortly before the resignation was announced, the City Council voted unanimously to ask U.S. District Judge Susan Dlott to replace Kalmanoff in part because he had submitted a bill for over \$55,000 for three weeks’ work. Following the resignation, the parties to the settlement agreements and Judge

Dlott held an all-day meeting to discuss the selection of a new monitor. Another meeting has been set for December 6. *Cincinnati Post*, November 14 & 23, 2002.

Legal Affairs

The Las Vegas Police Department agreed to settle two lawsuits for a total of \$1.2 million. The first settlement involved a payment of \$900,000 to two cousins who had been visiting Las Vegas and who had alleged that they were subject to false, retaliatory charges following an altercation with a group of off-duty SWAT officers in a nightclub. On-duty officers who responded would later testify that the SWAT officers were threatening the pair, and the on-scene supervisor instructed that neither man be arrested. However, a second investigation by a Las Vegas detective resulted in both men being charged with felonies. The department also agreed to pay \$325,000 to the daughter of a man fatally shot by an officer who reported that he fired after the decedent had reached for his waistband during a pedestrian stop. In earlier proceedings a judge had declined to dismiss the lawsuit for several reasons, based upon the following evidence:

- The officer did not warn that he was considering using deadly force, despite having the opportunity to do so.
- The officer fired a second volley of shots after he perceived that the threat to his safety had diminished.
- The officer had a tendency to mistreat citizens and unnecessarily threaten force.

- The department provided inadequate training and supervision.
- The officer's colleagues were "afraid to work with him."

Las Vegas Review Journal, November 22 & 26, 2002.

Racial Profiling

A month after it was accused of practicing racial profiling, the San Francisco Police Department announced a number of new measures relating to traffic stops. According to Chief Earl Sanders, officers will be required to record the race, age, and sex of each person stopped, the location of and reason for the stop, how the stop was resolved, whether a search was conducted, what was found, and whether the stopped person was on probation or parole. He also announced that officers may no longer consider race as a factor when deciding whether to stop a motorist, unless they are searching for a suspect of a specific description. The department will set up a telephone hotline for complaints about stops, produce monthly reports on traffic stops, and consider whether officers should be barred from requesting consent to search in the absence of suspicion of criminal activity. The announcement follows the release of a report by the American Civil Liberties Union in October that used police data to demonstrate that black motorists were stopped in disproportionate numbers and that, once stopped, Latinos were searched more frequently than whites. *San Francisco Chronicle*, November 15, 2002.

The Police Executive Research Forum (PERF) is providing free copies of a

video intended for use by police and citizens engaging in discussions of racially-biased policing. The video outlines the issue of racially-biased policing, presents experiences of citizens from ethnic minorities and suggests constructive methods by which police and community members can respond to perceived and actual racially-biased policing practices. Funded by the Office of Community Oriented Policing Services, the video is accompanied by a written guide. More information, along with a PERF report entitled "Racially Biased Policing: A Principled Response," is available at www.policeforum.org/racial.html.

Standards/Training

In the latest issue of *The Police Chief*, the International Association of Chiefs of Police ("IACP") has published "Achieving and Maintaining High Ethical Standards." This report observes that ethics training is not commonly provided to officers after basic recruit school, despite the importance of ethics to police work. Identifying unethical behavior by a small number of officers as having contributed to an overall decline in the public image of the police over recent decades, the report encourages police leaders to publicly affirm their commitment to ethical conduct, and to ensure that ethical considerations are consistently at the fore within their organizations. The IACP's four ethics documents: the Code of Ethics, Canons of Ethics, Code of Conduct and Oath of Honor are highlighted as sources of guidance for agencies wishing to maximize their adherence to ethical standards. Suggestions for the practical use of those

ethics documents by police agencies are also provided. *The Police Chief*, October 2002.

“Leading Officers to Safety” by Gerald W. Garner of the Lakewood, Colorado Police Department addresses the question of why, despite mandatory officer survival training and improved safety equipment, 60 or more U.S. officers are slain in an average year. Part of the answer, Garner argues, is that many officers take “safety shortcuts” that, although contrary to their training, can become ingrained as bad habits. Garner recommends that police leaders ensure that agency policies and procedures mandate safe practices, and that sanctions be imposed when rules are flouted. He highlights the key role of first-line supervisors in safety promotion, calling for supervisors to observe and critique officers’ performance, to provide mentorship, and to impose sanctions when necessary. A particularly at-risk group – “cowboy” or “cowgirl” officers – should be subject to immediate intervention. Garner provides an “officer survival checklist” that includes the need to gather all available information and to employ tactical withdrawal when appropriate. *The Police Chief*, October 2002.

Noting that psychologists are playing increasingly sophisticated roles in law enforcement, a report entitled “Prediction of Police Officer Performance with the Inwald Personality Inventory” by Paul Detrick and John T. Chibnall evaluates the effectiveness of the Inwald Personality Inventory (“IPI”) in predicting job performance. The IPI is one of several available pre-employment inventories that have been validated for officer selection. Detrick and Chibnall

used a sample of 108 male police officer applicants over a 16-month period to test the effectiveness of the IPI in predicting officer performance, as reflected in the officers’ one-year evaluations. The report concludes that certain of the IPI’s scales significantly predicted officer performance and that pre-employment psychological data may identify “early warning signs” that can provide a useful basis for management intervention strategies. *Journal of Police and Criminal Psychology*, Volume 17, Number 2.

The International Association of Chiefs of Police has published “Internal Affairs: A Policy Strategy for Smaller Departments.” The report, written by Chief Beau Thurnauer of the Coventry, Connecticut, Police Department, identifies common issues relating to complaints and officer misconduct faced by smaller departments, and maintains that it is essential that every chief take internal investigations seriously. Thurnauer offers guidance for the receipt and investigation of complaints, establishing that, as a general rule, investigations should be conducted by an officer of higher rank than the subject of the investigation and that all officers should know where to refer a person wishing to make a complaint. He recommends that, as a matter of policy, *all* complaints be received and investigated and that departments should accept complaints in any form. Thurnauer suggests that prompt notification of officers that they are the subject of a complaint will promote the credibility of the complaint system within agencies, and that complainants’ satisfaction with the process can be enhanced by sending formal notification that their complaints are under

investigation. The distinctions between administrative and criminal internal investigations are explained, and an investigative protocol is suggested. Thurnauer recommends the use of early warning systems as a means of identifying units or officers who generate multiple complaints and provides guidance on complaint disposition. Finally, he recommends that all complaints be made public through annual reports – a strategy he asserts will generate improved community support. *Big Ideas for Smaller Police Departments*, Winter 2002.

In “Crisis Negotiation Teams Selection and Training,” author Chuck Regini identifies crisis negotiation team management as an important safety and liability issue for law enforcement agencies. He provides guidance for the selection of team leaders and members, emphasizing the need for such personnel to possess experience, knowledge and communication skills. Noting that oversights can cost lives, Regini advises that teams receive regular training, and that such training be well documented so that agency attention to crisis negotiation proficiency can be demonstrated. The full report is available on-line at www.fbi.gov/publications/leb/2002/nov02leb.pdf. *FBI Law Enforcement Bulletin*, November 2002, Volume 71, Issue 11.

The costs of failing to provide multicultural training to officers and to manage cultural diversity can include civil unrest, lawsuits, lost lives and ineffective law enforcement, according to Gary R. Coderoni, author of “The Relationship Between Multicultural Training for Police and Effective Law Enforcement.” Observing that American police officers regularly deal with

situations where failure to communicate across cultural divides can precipitate tragedy, he argues that the “human factors” that can trigger community unrest and dissatisfaction can be reduced by police managers who take action to manage cultural diversity issues both within their departments and in the communities they serve. Such reductions can be achieved, Coderoni says, through training and education designed to diminish the degree to which officers are alienated from community members. The full report is available on-line at www.fbi.gov/publications/leb/2002/nov02leb.pdf. *FBI Law Enforcement Bulletin*, November 2002, Volume 71, Issue 11.

Officials from the Detroit Police Department have submitted five proposed policy changes for review by the city’s Board of Police Commissioners. The changes would introduce: a domestic violence policy that complies with recently enacted state law; tighter restrictions on pursuits; rules governing officers’ dealings with the mentally ill and homeless; rules governing officers’ dealings with the deaf or hearing impaired; and increased restrictions on the use of force, including a ban on shooting at or from moving vehicles. The changes follow allegations of citizen mistreatment by the department, police misconduct lawsuit costs of \$123 million over a 13-year period and the controversial shooting death of a deaf man who threatened officers with a garden rake. *The Detroit News*, November 15, 2002.

Atlanta Police Department officers will no longer engage in high-speed pursuits of stolen vehicles, minor traffic violators or suspected drunk drivers. The change in policy was announced by Chief

Richard Pennington, who explained that “Atlanta has too much traffic to be chasing people at 50, 60, 70 miles per hour for minor offenses.” Five people have died as a result of high-speed pursuits in metropolitan Atlanta since March. Under the new policy, officers will engage in high-speed pursuits only if a suspect possesses a deadly weapon, poses a threat of violence to others, or has committed a crime where serious physical harm was inflicted or threatened. Also, the police will not exceed speed limits when pursuing suspected drunk drivers. Chief Pennington stated that he intended to meet with officials from other jurisdictions in metropolitan Atlanta to encourage them to adopt a uniform pursuit policy. *Atlanta Journal and Constitution*, November 16, 2002.

A survey by the National Center for Women in Policing revealed that women hold just 12 percent of law enforcement jobs, despite the fact that they constitute 46 percent of the national workforce. Moreover, women in law enforcement disproportionately hold low-ranking positions within their agencies, with only seven percent of top command positions within large agencies occupied by women. *Crime Control Digest*, November 1, 2002.

Use of Force

Cincinnati police officers who fired beanbag rounds into a crowd that had gathered following the funeral of a man who died after being shot by an officer – an incident that sparked three days of rioting in April 2001 – have been cleared of any wrongdoing by a Cincinnati Police Department internal investigation.

The report found that the officers’ actions were within the departmental policies and recommended that they be exonerated. The city has settled a number of lawsuits by people who alleged that the beanbag shootings near the site of the funeral constituted excessive force. *The Cincinnati Enquirer*, November 21, 2002.

The Miami Police Department has revised its shooting policy to bar the use of firearms against suspects unless they pose an imminent threat. The new policy bars shooting at people fleeing the police or people who do not pose a deadly threat at the time of the shooting. The department is currently under investigation by the U.S. Department of Justice to determine whether patterns of racial discrimination, brutality, or inadequate training exist. *Miami Herald*, November 12, 2002.

A series of articles in the *Miami Herald* has sharply criticized the Miami Police Department’s management of officer-involved shootings. Entitled “Fatal Force, Flawed Justice: A Herald Review of Miami Police Shootings,” the series charges the department with lax oversight of problem officers, analyzes multiple questionable shooting incidents and identifies serious weaknesses in the department’s system of internal investigation. The series is available online at www.miami.com/mld/miami/4495973.htm.

Interview

In the mid-1990’s the Royal Canadian Mounted Police (“RCMP”) abandoned its conventional, lecture-based system of academy training in favor of an

innovative, scenario-based program. Dr. Garry Bell is the RCMP's Director of Cadet Training. PARC recently spoke with Dr. Bell about the objectives, operation and efficacy of the RCMP's training program.

PARC: *What are the goals of the RCMP's cadet training program?*

GB: The program is principle-centered, value-driven, and hinges upon a community policing philosophy. It is geared to teaching problem-solving, critical thinking, proactive policing and community policing principles. What we aim to produce is a troop or an individual capable of both interdependent and independent kinds of actions, so we stress teamwork and individual responsibility throughout the program. We see our basic training program as the first step in a life-long learning process. Continuous learning is something that is drummed into the cadets right from the get-go.

PARC: *How does the RCMP's scenario-based system of learning operate?*

GB: The scenarios are the center-point of a whole problem-based learning format. We use real-world problems as the organizing construct around which all of the knowledge, skills and abilities are brought together in an integrated fashion. The problems are chosen to lead us into particular training issues. We use scenarios as teaching instruments, we use them as practice for skill acquisition, and we use them for testing and assessment. We rely upon scenarios, with ascending levels of complexity, throughout the program. We go from paper-based problem-solving scenarios

through peer role-playing scenarios to actor-simulated role plays in full mock-detachment settings. We use scenarios because they hammer home to cadets what the bigger picture is.

PARC: *How are training scenarios selected and developed?*

GB: All scenarios are built around our problem-solving model. We take a problem and cut it into several pieces so that we can help the cadets understand it and acquire the knowledge and skills they need to solve the problem. They are designed to guide cadets into a specific training area, such as theft or family violence. We design the scenarios according to where we want to take the cadets, in terms of content and complexity. Many of our scenarios come from field officers' own experiences, and when field officers visit the academy to take part in activities they bring scenarios with them. We take those real scenarios, brush them up and incorporate them into our overall package of training scenarios.

PARC: *Can you give an example of a training scenario used by the RCMP?*

GB: One of our basic scenarios goes as follows: "You are dispatched to a complaint at the strip mall located at 3-69 Amey St. in Buffalo at 08:00 hours. The complainant is the owner/manager of Tran's World Wide Travel. The owner/manager of the agency, Dao Van Tran, greets the member and shows him/her the side of the store that has been spray painted with graffiti that appear to be zigzag lines. The member recognizes the graffiti as the work of a local gang that had been previously investigated. Mr. Tran directs you to an

empty spray paint can at the base of the wall. Later that day, Mr. Tran calls to inform you that the insurance company estimates it will cost \$6,325.40 to remove the graffiti.” Depending upon the training purposes a scenario is designed to fulfill, cadets may be required to provide either a written or a role-played response to the problems they are given to solve.

PARC: *What are the advantages of the RCMP approach to police training?*

GB: This new method’s primary advantages are a much higher retention level for acquired knowledge and skills, and a much stronger integration of learning across all the different facets of policing that we teach. It also gives us a means of integrating ethics and value-based decision making into just about everything that’s taught, and it places a much greater responsibility on the learner.

PARC: *What is the role of the RCMP trainer in a cadet’s education?*

GB: The training role for our staff has shifted from one of “expert-lecturer” to “facilitator-coach.” Learning *how* to learn is now seen as being just as important as the content that is learned. Instead of simply spouting out answers as they used to do, our trainers are now much more inclined to help the cadets and learning teams seek the information they require, so that they can find the answers themselves. The real strength of this approach is that the cadets retain what they have learned. The change in the trainers’ role was a difficult one, but we’ve worked through it and now we’re looking forward to having some of the students trained under our current

system come back to the academy as staff.

PARC: *How does the content of the RCMP’s current curriculum differ from that of the traditional model that preceded it?*

GB: Content-wise, it isn’t that different from most police basic training programs, and it’s not terribly different from the model that preceded it. The fundamental change is in the adoption of the adult learning approach, the problem-based learning approach, the emphasis on scenario training, the community policing philosophy and the whole way we go about the teaching-learning paradigm. So there’s a lot of the old model in there – it’s the process that’s changed.

PARC: *How are ethical standards and organizational values taught under the RCMP system?*

GB: The first module that we teach the cadets has a lot to do with our expectations of them, in terms of whom we work for (the public) and what our role is in society, with a heavy emphasis on our core values. Our mission and our vision are also part of that module. We teach this to the cadets in conjunction with an appreciation of the history of our organization. We walk them through the evolution of policing, and then we tie our own standards and expectations into that. We emphasize dress, deportment and drill to reinforce high standards, teamwork and discipline. Internal discipline and ethical decision-making are reinforced by logical consequence as opposed to punishment. Doing the right thing, the first time, when you think no one is watching, is both the standard and

the goal of our approach to organizational standards. To this end we also use moral and ethical dilemmas, which we weave into our scenarios, so that just about any scenario we use can highlight and reinforce the ethical dimensions of police work. One of the most potent logical consequences in the new program is the termination of the training agreement. Termination occurs when ethical standards are breached, or when competency requirements are not reached. This reality is both a powerful motivator and a source of stress for the cadets.

PARC: *How does the RCMP program develop cadets' judgment and problem-solving skills?*

GB: Our program is aimed directly at developing these skills. We don't just want cadets to talk about judgment and problem-solving – we want them to show us that they are developing these skills. It's continuous. The whole curriculum is designed so that they're always confronting problems. We put them in learning groups of six and ask, "What are you going to do about this? What do you know that will help you, and what do you need to know." The whole program is designed to develop the cadets' ability and confidence to make those judgments and to guide their own problem-solving thought processes. We get them to think about problems so many times it becomes a habit for them, so that they come away with a pretty strong framework.

PARC: *How does the RCMP train cadets in the use of force?*

GB: In many ways it's very traditional. Our firearms program is based upon the

national firearms standards. One thing that has changed about our self-defense training is that we used to train martial arts programs in a fairly rigid way, whereas what we do now is expose cadets to a variety of different styles and techniques to achieve different ends, and then we ask each cadet to select and focus on the style that best suits them and to hone their skills in that style. This is much more flexible, in that we don't really dictate which techniques the cadets use as much as we want them to build a package that works for them as individuals. We want them to have a few techniques really well learned that will come to the fore when the stress levels are high, rather than just have them revert to street-fighting when it comes to the real rough and scrub. Of course, there are a few techniques that are very touchy, and that we teach to very specific standards. Also, in every scenario that cadets do – even paper-based exercises in a classroom – they are always asked to conduct a risk-assessment, to make a judgment about the level of force that would be appropriate and to identify the factors that go into making that judgment. Our training in the use of force is concerned with the skills that are required, such as accurate shooting or the proper use of pepper spray. But as much as we require them to acquire the requisite skills, we emphasize the *when*: do you know how to use appropriate judgment and is your assessment of risk within acceptable boundaries? So there's a lot of emphasis in all of the units on the decision factors, and what went through the cadet's head when he or she decided what the appropriate level of force was for any given scenario.

PARC: *How are RCMP cadets tested at the end of their academy training?*

GB: I would start by saying that the testing is continuous. Cadets are continually assessed through the 22-week academy program in terms of all their behavior, ethics, morals and so on. However, there are two primary testing periods: the mid-way point at which there's a formal exam, and at which cadets' performance in each skill unit is assessed against benchmarks. Then, towards the end of training, everything comes home to roost and the final scenarios in self-defense happen, the final test-drive happens, and so on. At the end of the program they must succeed in three tests: a written exam, an oral exam, and a simulated incident exam. These assessments require them to show that they have reached the benchmarks we require in each skill unit, and that they can integrate everything that we have taught them.

PARC: *What feedback do you receive from personnel in the field who work alongside newly-graduated officers?*

GB: We have gathered formal feedback by sending out questionnaires to the new graduates at the six-month mark, and to their Field Coaches and Detachment Commanders. The results have been extremely positive, as well as showing us areas in which competency could be strengthened. We have also received anecdotal feedback that tells us that our new graduates are capable of hitting the ground running. I believe that they are much closer to being ready to take on the real world than they ever used to be, and that this is due in part to the integration and the simulation emphasis in our program.

PARC: *Have you identified any drawbacks with your training system?*

GB: Yes, there are drawbacks. However, most of the drawbacks are at our end of the system. They have to do with the complexity of organizing, integrating and sequencing the learning modules. But this takes place behind the scenes, and isn't experienced by the learner. Another drawback, which is probably universal to simulation training, is that it is highly staff intensive. However, the benefits are so great that I doubt we'd ever trade it for the way we used to do business. What we have now is an enormous improvement overall.

Director's Cut

A column by PARC Director, Merrick Bobb

In last month's *Director's Cut*, I wrote about early warning systems and described how the best such systems – such as those that can be found in the Los Angeles County Sheriff's Department, the Miami-Dade Police Department, and the Pittsburgh Police Bureau – collect data and store it in a relational database that permits wide-ranging research and queries. This month's column will discuss what to do with the information, once it is collected, in order to identify candidates for further scrutiny and possible intervention.

Police executives often ask whether there is a specific formula or a validated set of “triggers” to identify at-risk officers – is it three or more personnel complaints in a year? Six or more significant uses of force in the last three years? Two or more shootings in the last two years? In our experience, there is not a formula that can be applied in a rote fashion to every law enforcement agency, large or small. Circumstances will vary significantly from agency to agency and even within a single large police department. The complexity of different assignments, the shifts and hours worked, the crime rate and patterns in a given neighborhood, and myriad other factors will affect the mix of complaints, uses of force, shootings, litigation, or other indicators that identify or foreshadow potentially problem officers. The trick is to cast a broad enough net to collect data across many different areas, each of which opens a window on possibly problematic officer performance. A system which measures only numbers of citizen complaints is far too weak.

A senior police executive seeking a method of setting “triggers” should first make certain that the body of data being collected is thorough and complete. The early warning system must contain a record of *all* citizen complaints, whether sustained, unresolved, or found meritless. The system must contain a record of *all* uses of force – significant, less significant, justified, unjustified, tactically wise and unwise. The same with *all* shootings, *all* internal administrative and criminal investigations, *all* lawsuits, *all* pursuits, *all* traffic or pedestrian stops, *all* consent searches, and other relevant categories. Similarly, the system should record *all* discipline, from reprimands to days off to discharge.

Even though we recommend a very inclusive amount of data, we do not mean to suggest that all the data collected should be available without limitation for use by managers and executives. Data collected for one purpose may be inappropriate for another. For purposes of an early warning and tracking system, the broadest possible array of information bearing upon risk should be collected. That does not necessarily mean, however, that the exact same data should be used to make promotion decisions or to decide whether an officer should be transferred to a coveted position. As we have noted previously and will address in the future, a well-managed law enforcement agency will carefully distinguish between different uses for the data and will not treat officers unfairly by misapplying data collected for one purpose for another, unless the data is equally material and relevant to both purposes.

After collecting the relevant data, a law enforcement agency should then perform a number of different runs or queries on the data. Have the computer list all officers by number of officer-involved shootings, by number of significant uses of force, and by all of the chosen categories. Do the same names appear on more than one list? Is there a

tendency for officers who shoot more often also to generate citizen complaints more often? Do officers tend to cluster in identifiable patterns on various lists? For example, does it appear that roughly ten percent of the force account for 75 percent of the shootings or 55 percent of the significant uses of force? Where are the natural breaking points in the data? Do roughly 15 percent of the officers generate two or more citizen complaints whereas 80 percent of the officers generate only one complaint in a one-year period? Two-year period? What percentage of officers has received discipline of five days off or more? Ten days off? Twenty days off? If the top ten percent were extracted from each of the lists, how many different individuals would there be? Is it more or less than ten percent of the entire force? What percentage appears on more than one list? More than two lists?

Although far from exhaustive, these examples suggest some of the ways to make a first cut of the data. The next step would be to construct a master list or index of individuals who have multiple entries that constitute, say, approximately ten percent of the force. The suggestion of ten percent is not a scientific one. Rather, it is based on anecdotal perception from conversations with police officials and monitors that roughly ten percent of officers account for nearly all the problems in any given law enforcement agency. Although seemingly simple, this step, in fact, can be quite complex. It will require significant analysis and sifting of the data. In some instances, a large number of entries in one single category – baton strikes, for example – may suffice. In other instances, smaller numbers of incidents spread across several different categories might be relevant. The tracking system should also be capable of informing the reviewer when multiple entries flow from a single incident (for example, the same incident gave rise to a

use of force report, a citizen complaint, and a lawsuit) and conversely when multiple entries reflect multiple incidents. This stage of the analysis cannot be accomplished by rote and requires the application of judgment and reason.

In a large department, the list could include more than a thousand individuals; in smaller departments, obviously, the list will have many fewer names. In a large department, it may therefore become necessary to perform triage on the list by dividing it into manageable chunks – perhaps concentrating on 100 officers at a time, starting with those whose profiles appear to present the most serious problems. In a small department, with only a few names, it may be possible to deal at once with the entire list.

Once an initial list of candidates is compiled – or, in larger agencies, a subset of the initial list – deeper research should be undertaken into the careers of the given officer. Ideally, there should be a review of all available performance documentation from the start of the employee’s career, including performance evaluations, commendations, time and attendance records, disciplinary records, as well as detailed documentation on risk-related incidents: shootings, uses of force, citizen complaints, lawsuits, civil claims, pursuits, traffic and pedestrian stops, consent searches, and preventable traffic accidents. The officer’s performance should be reviewed from the perspective of prosecutorial decisions made upon the officer’s arrests, seizures of evidence, and testimony in court. For example, have courts ever suppressed any of the evidence seized by the officer under the exclusionary rule? Have prosecutors ever declined to prosecute due to concerns about the officer’s credibility and reliability? Are there instances in which cases have been lost because the trier of fact has not believed the officer’s testimony?

The results of the research should be considered fully and deliberately by a properly composed committee within the police department. The end result should be a non-punitive intervention to re-direct the careers of those personnel whose behavior has demonstrated risks of poor service to the community, use of excessive force, or liability for the jurisdiction. The individual in question should be given prescribed courses of action and demonstrate improvement in the deficient areas. For an individual who misuses force, the prescription might include retraining in use of force. For a rude or discourteous officer, it might be a class to learn better communication skills or anger management. For an employee with a particularly stressful assignment, it might be a temporary or permanent reassignment. For an officer with many civilian complaints, it might be an order to use a voice-activated tape recorder when interacting with members of the public.¹

In future columns, we will set forth ways in which to ease the fears of police officers and police unions about these performance review systems based upon early warning systems. The lesson to be drawn from this column is that the early warning system is merely a beginning and not an end in itself. It points to the *possibility* of problem officers; it does not constitute an ironclad method of identifying them. No formulaic set of triggers is the correct one for all departments. As a rough rule of thumb,

¹ In our work with the Los Angeles County Sheriff's Department, we recently had occasion to critique how that agency accomplishes its performance review function. The *Fifteenth Semiannual Report of Special Counsel* discussing the LASD's Performance Review system is available on the PARC website, www.parc.info. I want also to note that many of the ideas and suggestions herein are based upon the groundbreaking work by the LASD in this area.

triggers should probably be set initially to capture about ten percent of the force for further screening and research. Not all of these individuals selected by these criteria will merit intervention; indeed, a substantial number may very well be found to be performing well. But for those whose performance has been or threatens to be substandard, the early warning system, combined with careful research and sober deliberation, will be of great assistance in identifying and managing problems in a timely and responsible way.

Conferences

January 29-31, 2003 – U.S. Department of Justice, Office of Community Oriented Policing Services “A Community Oriented Approach to School Safety: What Works.” Conference to be held in Nashville, Tennessee. More information is available at www.communitypolicing.org/meeting/index.cfm?fuseaction=info&meetingid=17.

March 17-19, 2003 – Americans for Effective Law Enforcement Discipline and Internal Investigations for Law Enforcement, Corrections and the Fire Service, to be held in San Francisco, California. More information is available at www.aele.org/wksdisc.html.

March 19-22, 2003 – Commission on Accreditation for Law Enforcement Agencies Spring conference “Maximizing Excellence” to be held in Orlando, Florida. More information is available at www.calea.org/newweb/ConferenceInfo/Orlando/conferenceinfo.htm.

April 28-30, 2003 – Americans for Effective Law Enforcement Critical Incident Response: Management and Liability Seminar, to be held in Las Vegas, Nevada. More information is available at www.aele.org/wkscrit.html.

June 21-25, 2003 – National Sheriffs’ Association Annual conference and exhibition, to be held in Nashville, Tennessee. More information is available at www.sheriffs.org/defaults/defaults_s_annualconference.htm.

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